

## REMARKS/ARGUMENTS

### STATUS OF CLAIMS

Claims 1, 2, 4, and 5 are currently pending in the application. By this Amendment, claim 1 is amended and claims 2, 4, and 5 are left unchanged. Claims 3 and 6-15 were canceled in a previous Amendment.

### CLAIM REJECTIONS – 35 U.S.C. § 102

#### Independent Claim

On pages 3 and 4 of the Office Action, claims 1, 2, and 4 are rejected under 35 U.S.C. §102(b) as being anticipated by Basiulis (U.S. Patent No. 3,924,674).

Claim 1 is hereby amended, and calls for:

A heat pipe assembly comprising:  
a first heat pipe having a condenser, an interior, and a working fluid;  
a reservoir that is external to and communicates with said first heat pipe containing a non-condensable gas which variably permits access of the working fluid to the condenser of the first heat pipe, depending on a pressure of the working fluid; and  
a second heat pipe having a condenser and an evaporator, wherein the second heat pipe has an interior in fluid communication with the interior of the first heat pipe to permit vapor flow through a path extending from within the first heat pipe toward the condenser of the first heat pipe, into the second heat pipe, and within the second heat pipe toward the condenser of the second heat pipe, in at least one pressure of the working fluid.  
(Amendment marks not shown)

In contrast, Basiulis discloses (with reference to Fig. 2), a heat switch 10 that includes a working fluid 121 in reservoir 20 and inert gas 35 in reservoir 30, the temperatures/pressures of which are manipulated in order to control heat flow from an evaporation region 112 to a condensation region 113 of the switch 10. According to the Examiner's interpretation of Basiulis, heat switch 10 embodies a first heat pipe having an evaporator 112 and a condenser 113, while working fluid reservoir 20 embodies a second heat pipe. Based on this interpretation, the evaporator of the

second heat pipe (20) of Basiulis is located at the bottom of the reservoir where heat is added, and the condenser of the second heat pipe is the condenser 113 of the first heat pipe - this is based upon the arrows illustrating heat/vapor flow through the device and from the device to the surrounding environment. Further, if this were not the case (i.e., if any other part of the device acted as a condenser), the device would not function. Consequently, Basiulis fails to teach or suggest, among other things, a heat pipe assembly including first and second heat pipes, wherein the second heat pipe has an interior in fluid communication with the interior of the first heat pipe "to permit vapor flow through a path extending from within the first heat pipe toward the condenser of the first heat pipe, into the second heat pipe, and within the second heat pipe toward the condenser of the second heat pipe, in at least one pressure of the working fluid" as claimed in amended claim 1.

Also in contrast to the heat pipe assembly claimed in amended claim 1, Basiulis discloses (see Fig. 4) a heat switch (as described above) that enables heat from a first heat pipe 40 adjacent an evaporation region 112 of the switch to flow to a second heat pipe 50 adjacent a condensation region 113 of the switch. Regardless of which elements are interpreted to embody the first and second heat pipes, and further which elements embody the evaporator and condenser of each, no fluid communication exists between the interiors of the first heat pipe 40, switch 30, and second heat pipe 50. Thus, Basiulis again fails to teach, describe, or suggest, among other things, a heat pipe assembly including first and second heat pipes, "wherein the second heat pipe has an interior in fluid communication with the interior of the first heat pipe, in at least one pressure of the working fluid" as claimed in amended claim 1.

In light of the above and for other reasons not discussed herein, withdrawal of the 35 U.S.C. §102(b) rejection of claim 1 in view of Basiulis is respectfully requested.

#### Dependent Claims

Claims 2 and 4 are each dependent upon amended claim 1, and are allowable based upon independent claim 1 and upon other features and elements claimed in claims 2 and 4 but not

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discussed herein. Withdrawal of the 35 U.S.C. §102(b) rejection of claims 2 and 4 is therefore respectfully requested.

**CONCLUSION**

In view of the foregoing, it is respectfully submitted that the claims of the present application are in condition for allowance. The Applicants request that the Examiner telephone the attorneys of record in the event a telephone discussion would be helpful in advancing the prosecution of the present application.

Respectfully submitted,



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